

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Civil Action No. 1:21-cv-

AFTER 2 MOVIE, LLC, et al.,

Plaintiffs,

v.

RCN TELECOM SERVICES, LLC, et al.

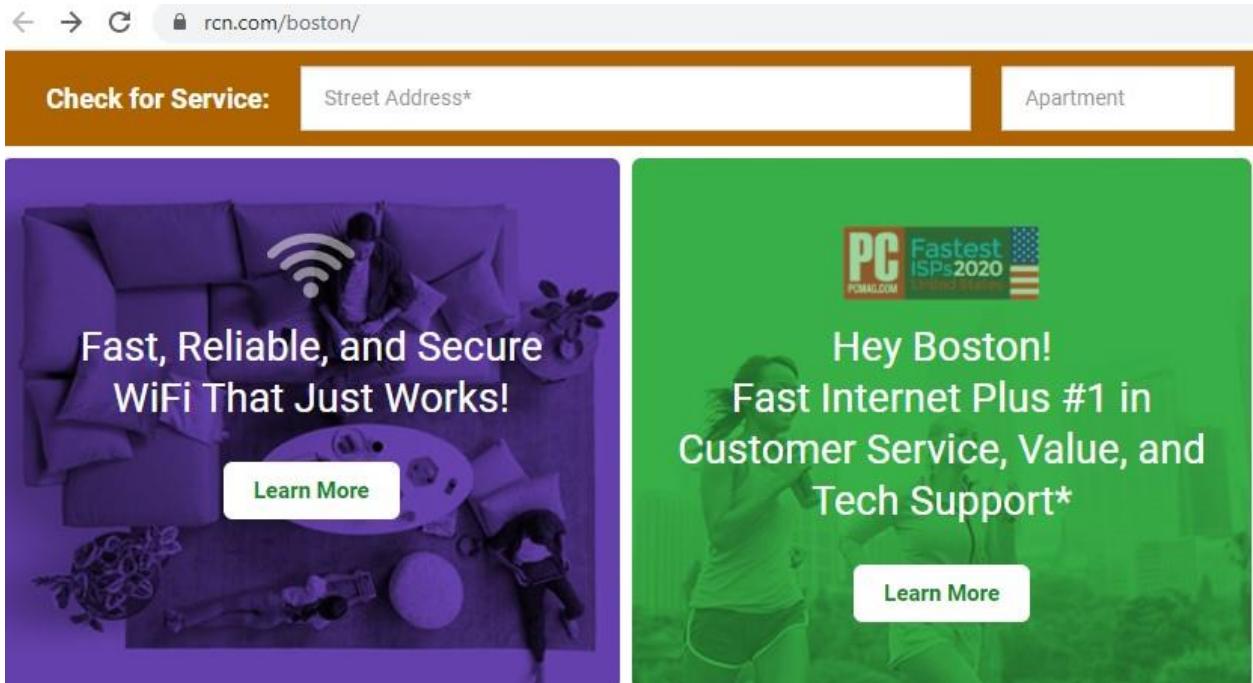
Defendants.

DECLARATION OF JOSHUA LEE

JOSHUA LEE, hereby declares under penalty of law that the following is true and correct:

1. I am an associate attorney with the law firm Culpepper IP, LLLC in Kailua Kona, HI. Culpepper IP, LLLC represents the Plaintiffs in various actions throughout the United States.
2. I have personal knowledge of the matters stated herein.
3. On or around July 21, 2021, I visited Defendant's website "<https://www.rcn.com>".

Below is a true and accurate screenshot of the website:

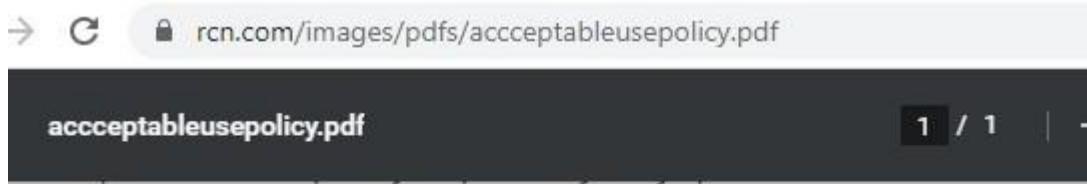


4. On or around July 21, 2021, I visited Defendant's website "<https://www.rcn.com/hub/max-your-speed/speed-test/>". Below is a true and accurate screenshot of the website:

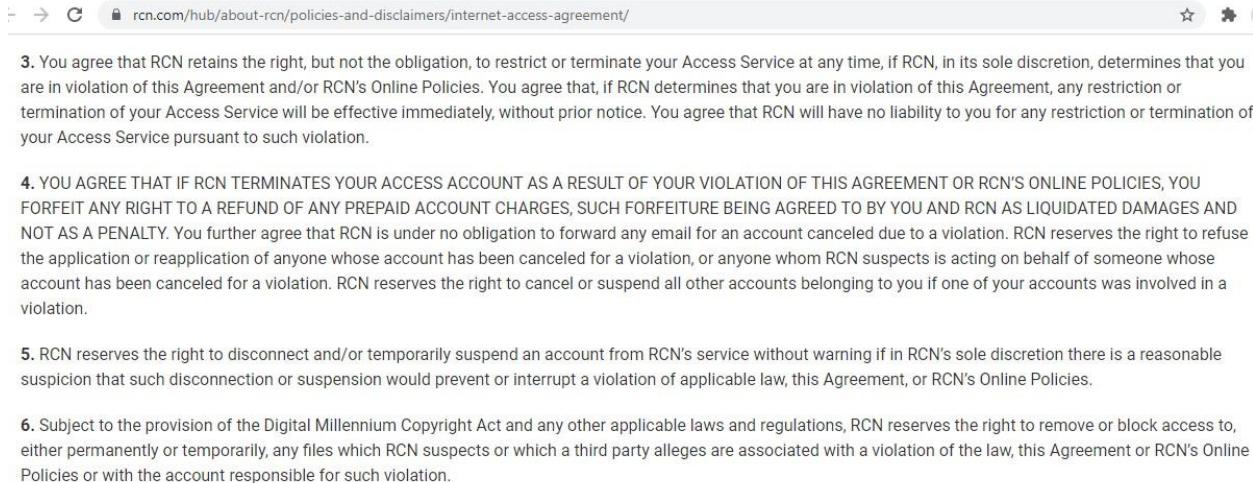
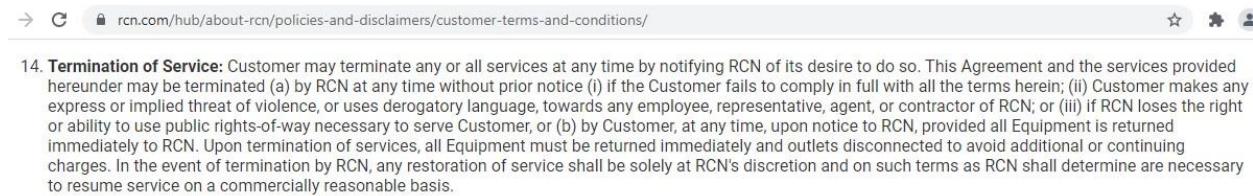


5. On or around July 21, 2021, I accessed Defendant's Acceptable Use Policy at "<https://www.rcn.com/images/pdfs/acceptableusepolicy.pdf>", Terms and Conditions at

“<https://www.rcn.com/hub/about-rcn/policies-and-disclaimers/customer-terms-and-conditions/>”, and Internet Access Agreement at “<https://www.rcn.com/hub/about-rcn/policies-and-disclaimers/internet-access-agreement/>”. Below are true and accurate screenshots:



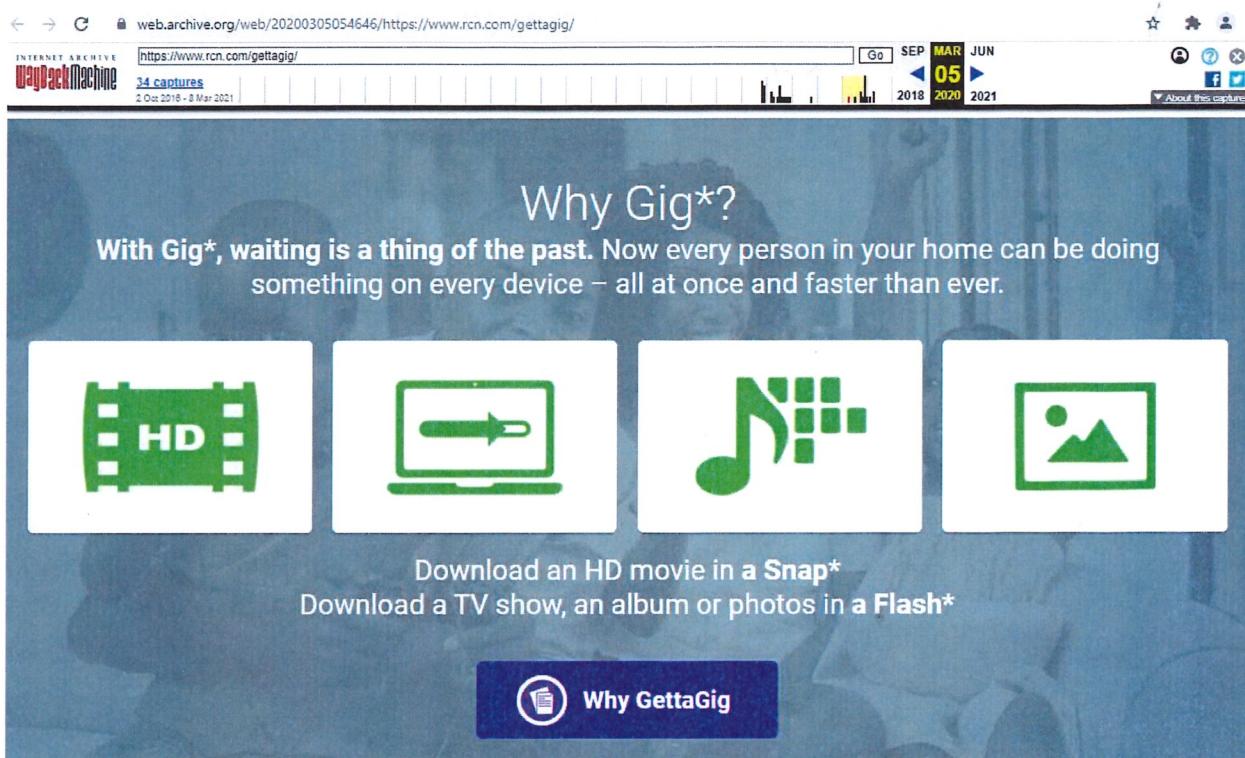
RCN's Online Policies, including the following list of Prohibited/Abusive Activities, are part of your subscriber agreement. Please note that if you engage in any such activities, RCN may suspend or terminate your account. As explained in your subscriber agreement, your use of RCN Internet Access Service must be governed by all applicable laws and regulations, including all applicable local, state, national, and international laws and regulations. In addition to other applicable laws, this includes all laws relating to copyright, trademark, trade secrets, obscenity, defamation, rights of privacy and publicity, false advertising, and fraud.



6. On or around July 22, 2021 I used the website Internet Archive Wayback Machine at <https://archive.org/web/> (“Wayback”) to view archives of Defendants’

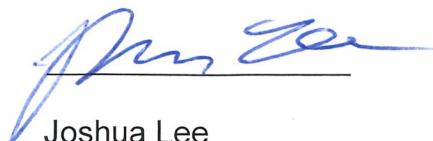
website for RCN TELECOM SERVICES, LLC at www.rcn.com. I have used the Wayback archives before and have found them to be reliable.

7. On or around July 22, 2021, I searched for archives of the web address “www.rcn.com/gettagig”. Below are true and accurate screenshots of the Wayback website displaying the page as it appeared on March 5, 2020:



I declare under penalty of perjury that the foregoing is true and correct.

DATED: Kailua-Kona, Hawaii, August 9, 2021.



A handwritten signature in blue ink, appearing to read 'Joshua Lee'.

CULPEPPER IP, LLLC